

for service [restaurants during a predetermined period of time] through a web-site, the method comprising the steps of:

enabling one or more businesses [restaurants] to post one or more items for auction wherein the item is valid for a predetermined period of time corresponding to a non-peak demand period;

enabling one or more users to place a bid on the item for auction;

processing bids to determine a winner; and

awarding the winner the item; wherein the item is redeemable for service by [at] the business [restaurant] during the predetermined non-peak demand period of time.

2. The method of claim 1 wherein the business [restaurant] sets a minimum bid for the item for auction.
3. The method of claim 1 wherein the business is a restaurant and the item for auction is a dining certificate for use at the restaurant.
4. The method of claim 1 wherein the step of enabling one or more users to bid on the item for auction includes a registration process where the user provides at least one or more of identification, demographic and service [restaurant] preference information.
5. The method of claim 1 wherein the business is a restaurant and the step of enabling one or more businesses [restaurants] to post one or more items for auction includes a registration process where the restaurant provides at least one or more of a restaurant description, meal description and facilities description.

6. The method of claim 1 wherein the business is a restaurant and a user can search for one or more auctions of interest by one or more of restaurant name, cuisine type, location, specified time, and meal.

8. The method of claim 1 wherein the step of enabling one or more users to place a bid on the item for auction includes an auto-bid feature where the user submits a maximum bid amount and a bid increment amount where the bids are automatically incremented to the maximum amount as necessary.

9. The method of claim 1 wherein the step of enabling one or more users to place a bid on the item for auction includes an instant purchase feature that enables the business [restaurant] to specify a fixed dollar amount for which the user can buy the item without participating in the auction.

11. The method of claim 1 further comprising the step of rewarding the user for referring one or more new users to the web-site.

12. The method of claim 1 further comprising the step of rewarding the user for referring one or more new businesses [restaurants] to the web-site.

13. The method of claim 1 further comprising the step of enabling the user to monitor rewards awarded to the user and redeem the rewards.

14. The method of claim 1 further comprising the step of enabling the business [restaurant] to display an advertisement for an auction at a premium space.

16. The method of claim 1 wherein the business is a restaurant and a restaurant guide enables the user to search for one or more restaurants of interest by one or more of cuisine type, location, and price range.

17. The method of claim 16 [15] further comprising the step of enabling users to post ratings and reviews of dining experiences at one or more restaurants of interest.
18. The method of claim 16 [15] further comprising the step of enabling users to view ratings of one or more restaurants of interest posted by other users.
19. The method of claim 16 [15] further providing a hyper-link to a separate restaurant page containing information regarding the restaurant of interest including one or more of description of the restaurant, type of food, services, and facilities.
23. The method of claim 1 further comprising the step of enabling the business [restaurant] to track and monitor current bids on items posted by the restaurant.
24. The method of claim 1 further comprising the step of enabling the business [restaurant] to set an auction schedule where the business [restaurant] designates a specified number of items to be auctioned at a specified time period.
25. The method of claim 1 further comprising the step of enabling the business [restaurant] to create a survey for users to complete where users provide one or more of demographic, identification, and service preference [dining] information and where the information is used for targeted marketing and promotions.
26. The method of claim 1 wherein bidding data and user information are aggregated and provided to businesses [restaurants] and wherein the business [restaurants] can use the information collected for targeted marketing and promotions.
28. The method of claim 1 further comprising the step of enabling users to specify a preferred mode of [advertisement] information delivery from the business including one or more of email, a display at a personalized page on the web-site, and regular mail.

29. The method of claim 1 further comprising the step of providing an account module where the business [restaurant] can monitor the number and type of items sold along with its account status with the web-site.

30. The method of claim 1 further comprising the step of providing the business [restaurant] with a summary page outlining results of an auction for one or more items posted by the business [restaurant].

31. The method of claim 1 further comprising the step of receiving from the business [restaurant] a report [of attendance] indicating which winners redeemed [the] auctioned items.

32. The method of claim 1 further comprising the step of enabling the winner to download the item for redemption from the web-site or via electronic mail.

35. The method of claim 1 wherein an electronic certificate is sent to the business [restaurant] and the winner informs the business [restaurant] of the certificate at time of redemption.

36. A method [system] for reducing excess capacity during non-peak demand periods for a service business that experiences periods of peak demands for service and periods of non-peak demands for service, [restaurants during a predetermined period of time] through a web-site, the method comprising the steps of:

a business [restaurant] module enabling one or more businesses [restaurants] to post one or more items for auction wherein the item is valid for a predetermined period of time;

a user module enabling one or more users to place a bid on the item for auction; and

a system processor for processing bids to determine a winner; and

an award module for awarding the winner the item wherein the item is redeemable for service by [at] the business [restaurant] during the predetermined period of time.

37. The system of claim 36 wherein the business [restaurant] sets a minimum bid for the item for auction.
38. The system of claim 36 wherein the business is a restaurant and the item for auction is a dining certificate for use at the restaurant.
39. The system of claim 36 wherein the user module includes a registration module where the user provides at least one or more of identification, demographic and service [restaurant] preference information.
40. The system of claim 36 wherein the business is a restaurant and the restaurant module includes a registration module where the restaurant provides at least one or more of a restaurant description, meal description and facilities description.
41. The system of claim 36 wherein the business is a restaurant and a user can search for one or more auctions of interest by one or more of restaurant name, cuisine type, location, specified time, and meal.
44. The system of claim 36 wherein the user module includes an instant purchase feature that enables the business [restaurant] to specify a fixed dollar amount for which the user can buy the item without participating in the auction.
47. The system of claim 36 further comprising a reward module where the user is rewarded for referring one or more new businesses [restaurants] to the web-site.
49. The system of claim 36 further comprising an advertisement module where the business [restaurant] can display an advertisement for an auction at a premium space.

51. The system of claim 36 wherein the business is a restaurant and a restaurant guide enables the user to search for one or more restaurants of interest by one or more of cuisine type, location, and price range.
57. The system of claim 36 further comprising a chat/message board for users to converse with other users and business [restaurant] representatives.
58. The system of claim 36 further comprising a monitor current bids module where the business [restaurant] can track and monitor current bids on items posted by the business [restaurant].
59. The system of claim 36 further comprising an auction schedule module where the business [restaurant] can set an auction schedule where the business [restaurant] designates a specified number of items to be auctioned at a specified time period.
60. The system of claim 36 wherein the business [restaurant] can create a survey for users to complete where users provide one or more of demographic, identification, and service performance [dining] information where the information is used for targeted marketing and promotions.
61. The system of claim 36 wherein bidding data and user information are aggregated and provided to the business [restaurants] and wherein the business [restaurants] can use the information collected for targeted marketing and promotions.
63. The system of claim 36 wherein users can specify a preferred mode of [advertisement] information delivery from the business including one or more of email, a display at a personalized page on the web-site, and regular mail.

64. The system of claim 36 further comprising an account module where the business [restaurant] can monitor the number and type of items sold along with its account status with the web-site.

66. The system of claim 36 wherein a report of attendance indicating which winners redeemed the items is received from the business [restaurant].

67. The system of claim 36 wherein the winner can download the item for redemption from the web-site or receive it via electronic mail.

70. The system of claim 36 wherein an electronic certificate is sent to the business [restaurant] and the winner informs the business [restaurant] of the certificate at time of redemption.

71. A method [An on-line method] for reducing excess capacity during non-peak demand periods [unused capacity] for a service business that experiences periods of peak demands for service and periods of non-peak demands for service, [restaurants,] the method comprising the steps of:

a. providing a web site to which [a] one or more businesses [restaurant] can post an offer to auction one or more certificates for use at specified times, the one or more certificates having a predetermined value and being redeemable for services from the business [at the restaurant];

b. receiving at the web site a bid from one or more bidders, specifying an amount the bidder is willing to pay for a certificate;

c. determining a winning bidder for at least one certificate;

d. issuing to the winning bidder a certificate, the certificate comprising identification of the business [restaurant], the value of the certificate, specified times for use of the certificate, a unique certificate identifier and user identification information;

e. providing to the business [restaurant] a list of winning bidders;

f. receiving from the business a [restaurant an attendance] report indicating which bidders have redeemed certificates; and

g. collecting from the business [restaurant] a fee, including a fee for certificates redeemed.

72. The method of claim 71 wherein the business is a restaurant and the web site enables potential bidders to search for auctions of interest by one or more of restaurant name, cuisine type, location, specified time, and meal.

74. The method of claim 73 wherein the step of collecting a fee from the business [a restaurant] comprises collecting a premium fee for featured auctions.

75. The method of claim [74] 72 wherein the results of a search retains a list of auctions meeting user specified search criteria and summary information about the auction, where each auction in the list comprises a hyper-link to a separate web page for that auction, the web page comprising more detailed information about the auction.

77. The method of claim 71 wherein a winning bidder pays for the certificate at the time the certificate is redeemed along with a payment for any amount for the service over the value of the certificate.

85. The method of claim 71 wherein a business [restaurant] may permit one or more certificates to be subject to an instant award at a fixed amount whereby a user can ensure



entitlement to a certificate by paying [offering] the fixed amount rather than participating in an auction.

87. The method of claim 71 further comprising an auction management module for a registered business [restaurants], the auction management module comprising a listing of the business' [restaurants] current auction postings, customer information, and certificate sales history.

88. The method of claim 71 comprising an auction management module, the auction management module enabling a registered business [restaurants] to create, delete and modify auctions and track current bid information.

89. The method of claim 71 further comprising the step of collecting at the web site information about each bidder that bids on one or more certificates for a particular business [restaurant], and providing to that business [restaurant] aggregate data on those bidders that bid on one or more certificates for that business [restaurant], including demographic information, bid frequency and number of redemptions.

90. The method of claim 89 further comprising the step of generating a targeted promotion directed at customers of a particular business [restaurant] based on the aggregate data.

93. The method of claim 71 further comprising an account page for each business [restaurant] to enable a business [restaurant] to view the number and type of certificates it has sold, its account status with the web site and business [restaurant] profile information.

94. The method of claim 71 wherein the step of posting an offer further comprises enabling a business [restaurant] to enter one or more of an item description, time restriction information, a

value, a minimum bid amount, the quantity of certificates, the duration of the auction and the recurrence of the auction.

95. The method of claim 94 further comprising the step of offering to the business [restaurant] one or more options to increase the likelihood that consumers will focus on that business' [restaurant's] auction, the options including a boldface title for the auction, a category feature auction and an auction home page feature, and further comprising the step of collecting a premium from the business [restaurant] for using one or more of such options for a given auction.

99. The method of claim 71 comprising the step of providing an award credit to users that refer one or more businesses [restaurants] to the web site.

102. An on-line system for reducing unused capacity for one or more businesses [restaurants] during non-peak demand periods, where the business experiences periods of peak demands and periods of non-peak demands, the method comprising:

a. a web site to which a business [restaurant] can post an offer to auction one or more certificates for use at specified times to reduce unused capacity, the one or more certificates having a predetermined value and being redeemable [at] for services from the business [restaurant];

b. a bidding module for receiving at the web site a bid from one or more bidders, specifying an amount the bidder is willing to pay for a certificate;

c. a processor for determining a winning bidder for at least one certificate;

d. a certificate issuing module for issuing to the winning bidder a certificate, the certificate comprising identification of the business [restaurant], the value of the certificate,

specified times for use of the certificate, a unique certificate identifier and user identification information;

e. a listing module for providing to the business [restaurant] a list of winning bidders;

f. a report module for receiving from the business [restaurant an attendance] a report indicating which bidders have redeemed certificates; and

g. a fee module for collecting from the business [restaurant] a fee for certificates redeemed.

103. The system of claim 102 wherein the business is a restaurant and the web site enables potential bidders to search for auctions of interest by one or more of restaurant name, cuisine type, location, specified time, and meal.

116. The system of claim 102 wherein a business [restaurant] may permit one or more certificates to be subject to an instant award at a fixed amount wherein a user can ensure entitlement to a certificate by offering the fixed amount rather than participating in an auction.

118. The system of claim 102 further comprising an auction management module for registered business [restaurants], the auction management module comprising a listing of the business' [restaurants] current auction postings, customer information, and certificate sales history.

119. The system of claim 102 comprising an auction management module, the auction management module enabling registered businesses [restaurants] to create, delete and modify auctions and track current bid information.

120. The system of claim 102 wherein information about each bidder that bids on one or more certificates for a particular business [restaurant] is collected at the web site, and providing to that business [restaurant] aggregate data on those bidders that bid on one or more certificates for that business [restaurant], including demographic information, bid frequency and number of redemptions.

121. The system of claim 120 wherein a targeted promotion directed at customers of a particular business [restaurant] based on the aggregate data is generated.

124. The system of claim 102 further comprising an account page for each business [restaurant] to enable a business [restaurant] to view the number and type of certificates it has sold, its account status with the web site and business' [restaurant] profile information.

125. The system of claim 102 wherein posting an offer further comprises enabling a business [restaurant] to enter one or more of an item description, time restriction information, a value, a minimum bid amount, the quantity of certificates, the duration of the auction and the recurrence of the auction.

126. The system of claim 125 wherein the business [restaurant] is offered one or more options to increase the likelihood that consumers will focus on that business' [restaurant's] auction, the options including a boldface title for the auction, a category feature auction and an auction home page feature, and further comprising the step of collecting a premium from the business [restaurant] for using one or more of such options for a given auction.

130. The system of claim 102 wherein an award credit is provided to users that refer businesses [restaurants] to the web site.

**Please add new claims 133-153 as follows:**

--133. A web site through which at least one restaurant can offer at least one discounted gift certificate for use during predetermined times to reduce excess capacity during non-peak demand periods for a restaurant that experiences periods of peak demands for service and periods of non-peak demands for service, the certificate being offered on predetermined terms by the restaurant, the web site comprising:

a listing of the at least one certificate being offered and an indication of the terms on which the certificate is being offered; and means for enabling a user to purchase the discounted gift certificate by either participating in an auction for the gift certificate and being the highest bidder or via an immediate buy option at a fixed discounted price without bidding.

134. The web site of claim 133 wherein the restaurant sets a minimum bid price for an auction and awards the at least one certificate to the highest bidder.

135. The web site of claim 133 wherein the certificate is valid during a non-peak demand period to reduce excess capacity.

136. The web site of claim 133 wherein the web site includes an auction display feature, the auction display comprising one or more of the name of the restaurant, a description of the gift certificate, including the period of validity and value, any minimum bid requirement, and the status of the auction, including the current bid and the time left for bidding.

137. The web site of claim 133 wherein the web site includes a certificate display feature, the display comprising one or more of the name of the restaurant, a description of the gift certificate, the status of any auction for the gift certificate, and, if an immediate buy option is available for

the gift certificate, an indication that the immediate buy option is available and a fixed discounted price for the immediate buy.

138. The web site of claim 133 wherein the web site includes an auction display feature, the auction display comprising the name of the restaurant, a description of the gift certificate, including the period of validity and value, any minimum bid requirement, and the status of the auction, including the current bid and the time left for bidding.

139. The web site of claim 133 wherein a single restaurant may simultaneously offer multiple gift certificates, and the web site includes an auction display feature, the auction display comprising one or more of the name of the restaurant, the number of certificates available, a description of the gift certificates, including the period of validity and value, any minimum bid requirement, and the status of the auction, including the current bid and the time left for bidding.

140. The web site of claim 133 wherein a single restaurant may simultaneously offer multiple certificates, and the web site includes an auction display feature, the auction display comprising the name of the restaurant, the number of certificates available from the restaurant, a description of the gift certificates, including the period of validity and value, any minimum bid requirement, and the status of the auction, including the current bid and the time left for bidding.

141. The web site of claim 133 wherein more than one restaurant can offer gift certificates through the same web site, the web site includes an auction display feature, the auction display comprising the names of the restaurants, and for each restaurant, one or more of a description of the gift certificate for each restaurant, including the period of validity and value, any minimum bid requirement, and the status of the auction, including the current bid and the time left for bidding.

142. The web site of claim 133 wherein more than one restaurant can offer gift certificates through the same web site, the web site includes an auction display feature, the auction display comprising the names of the restaurants, and for each restaurant, a description of the gift certificate, including the period of validity and value, any minimum bid requirement, and the status of the auction, including the current bid and the time left for bidding.

143. The web site of claim 133 wherein more than one restaurant can offer gift certificates through the same web site, where each restaurant may simultaneously offer multiple certificates, and the web site includes an auction display feature, the auction display comprising one or more of the names of the restaurant, and for each certificate, the number of certificates available, a description of the gift certificates, including the period of validity and value, any minimum bid requirement, and the status of the auction, including the current bid and the time left for bidding.

144. The web site of claim 133 wherein more than one restaurant can offer gift certificates through the same web site, where each restaurant may simultaneously offer multiple certificates, and the web site includes an auction display feature, the auction display comprising the name of the restaurant, and for each certificate, the number of certificates available, a description of the gift certificates, including the period of validity and value, any minimum bid requirement, and the status of the auction, including the current bid and the time left for bidding.

145. The web site of claim 133 wherein a user must register with the web site prior to bidding on or purchasing a gift certificate.

146. The web site of claim 133 wherein a user must register with the web site prior to bidding on or purchasing a gift certificate and provide identification information.

147. The web site of claim 133 wherein a user must register with the web site prior to bidding on or purchasing a gift certificate and provide demographic information.

148. The web site of claim 133 wherein a user must register with the web site prior to bidding on or purchasing a gift certificate and provide identification and demographic information.

149. The web site of claim 133 wherein the web site includes a restaurant search module.

150. The web site of claim 133 wherein the web site includes a restaurant search module including an interactive restaurant guide.

151. The web site of claim 133 wherein the web site includes a restaurant search module, the search module enabling a user to search for a restaurant by desired cuisine, zip code or other geographic area parameters or other search parameters.

152. The web site of claim 133 wherein the web site includes a restaurant listing module, wherein the listing module provides a listing of restaurants by cuisine type, zip code or geographic area parameters or other listing parameters.

153. A web site through which more than one restaurant can offer at least one discounted gift certificate for use during predetermined times to reduce excess capacity during non-peak demand periods, where the restaurant experiences periods of peak demands for service and non-peak demands for service, the certificate being offered on predetermined terms by each restaurant, the web site comprising at least one of:

a. a restaurant search module, the search module enabling a user to search for a restaurant by desired cuisine, zip code or other geographic area parameters or other search parameters; and



- b. a restaurant listing module, wherein the listing module provides a listing of restaurants by cuisine type, zip code or geographic area parameters or other listing parameters; and further comprising: a display module, displaying for each restaurant or certificate:
  - i. the name of the restaurant; and
  - ii. a description of the certificates being offered including an indication of the terms on which the certificate is being offered;
- c. an auction module, through which users may bid on certificates being offered via auction and certificates may be sold to the highest bidder; and
- d. an immediate buy feature through which a user may immediately purchase a gift certificate at a fixed discounted price without bidding.--

#### **REMARKS**

The undersigned kindly thanks the Examiner for the courtesies extended during the interview on January 29, 2003. As discussed during the interview, Applicant believes the claims are patentable over the prior art for several independent reasons. One reason is that the claimed invention provides auctions for gift certificates or other discounts (in the restaurant and other industries) for use during non-peak times to help reduce excess capacity. Other patentable aspects include the ability to offer certificates either via auction or at a discounted immediate buy price for use at predetermined times. Other bases for patentability exist. None of the prior art of record is believed to teach or suggest these features, whether alone or in combination. As a result, the application is believed to be in condition for allowance. Reconsideration of all grounds of rejection is requested. It is requested that the non-elected species claims be allowed since the generic claims are all allowable.